उपयुक्त मामलों में से अधिकतम पुराने मामले :

दिल्ली उच्च न्यायालय : वर्ष 1973 का एस.ए.ओ. सं. 217–निर्मल जीराठ बनाम साधू राम आदि ।

अधीनस्थ न्यायालय : अपर किराया नियंत्रण, दिल्ली के न्यायालय में लंबित 1969 का एक मामला ।

(ग) और (घ) सरकार, जुलाई, 1992 में संसद् के पटल पर रखे गए आदर्श किराया नियंत्रण विधायन के आधार पर दिल्ली किराया अधिनियम को अधिनियमित करने का प्रस्ताव करती है। प्रस्तावित अधिनियम का उद्देश्य भूस्वामियों और किराएदारों के हितों के बीच संतुलन बनाए रखना है । यह भी प्रस्तावित किया गया है कि उच्चतम न्यायालय के सिवाय सभी न्यायालय की अधिकारिता का वर्जन करके, किराए संबंधी मुकदमों के शीघ्रता से निपटारे के लिए, किराया प्राधिकरणों और किराया अधिकरण के रूप में न्यायिक मशीनरी को सुव्यवस्थित करने के लिए उपबंध किया जाए। विधेयक को संसद् के चालू सत्र में पुरःस्थापित किए जाने की संभावना है ।

दिल्ली उच्च न्यायालय की रजिस्ट्री ने सूचित किया है कि उच्च न्यायालय ने मामलों के शीघ्र निपटारे के लिए निम्नलिखित उपाय किए हैं :–

(i) एक जैसे और समान मुद्दों वाले मामलों को एक साथ समूहबद्ध किया जाता है और निपटारे के लिए एक साथ न्यायालय के समक्ष रखा जाता है ।

(ii) प्रत्येक मास के प्रत्येक सप्ताह के दौरान पुराने मामलों को पूर्णतया सूचीबद्ध किया जा रहा है जिससे कि इन मामलों को शीघ्र निपटाया जा सके ।

(iii) दिल्ली उच्च न्यायालय द्वारा प्रत्येक मास अधीनस्थ न्यायालयों में लंबित मामलों को मॉनीटर किया जाता है जिससे कि यह सुनिश्चित किया जा सके कि इन न्यायालयों द्वारा पर्याप्त निपटारा किया जाता है ।

Measures taken by Government to check Lawyers strikes

1490. SHRI O. P. KOHLI: Will the PRIME MINISTER be pleased to state:

(a) whether the lawyers of Delhi have been going on strike every now and then on one ground or the other;

(b) if so, how many times the lawyers went on strike in 1993 and 1994 so far alongwith the reasons therefor;

(c) what measures Government have taken or propose to take to check the strikes; and

(d) if the reply to part (c) above be in the negative, the reasons therefore?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) Yes, Sir.

(b) On the basis of information furnished by the Delhi High Court, details of the strikes observed by the lawyers in 1993 and upto July, 1994 are given in the annexure. [*See* Appendix 171, annexure No. 27]

(c) and (d) A resolution adopted by the Chief Ministers and Chief Justices in their meeting held in December, 1993 recommended the constitution of committees of lawyers and judges at the appropriate levels to go into problems concerning lawyers' strikes and evolve appropriate guidelines for preventing indiscriminate closure of Courts. Copies

of this Resolution have been forwarded to the Supreme Court, all High Courts and to the Bar Council of India for taking necessary follow-up action. The matter is under examination of the Bar Council of India.

Committee to go into the problems of advocates

1491. SHRI O. P. KOHLI: Will the PRIME MINISTER be pleased to state:

(a) whether there was a proposal to appoint a Committee to go into the problems of the advocates who go on strikes frequently;

(b) if so, whether that Committee has been appointed and if not, the reasons therefor;

(c) whether the Committee has tendered any report and if so, the details thereof; and

(d) the action taken by Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) A resolution adopted by the Chief Ministers and Chief Justices in their meeting held in December, 1993 recommended the constitution of committees of lawyers and judges at the appropriate levels to go into problems concerning lawyers' strikes and evolve appropriate guidelines for preventing indiscriminate closure of Courts. Copies of this Resolution have been forwarded to the Supreme Court, all High Courts and the Bar Council of India for taking necessary follow-up action. The matter is under examination of the Bar Council of India.

(c) and (d) Do not arise.

Amendment of Evidence Act

1492. SHRI O. P. KOHLI: Will the PRIME MINISTER be pleased to state:

(a) whether Government were studying a judgement relating to loopholes in the Evidence Act;

(b) whether the study has been completed;

(c) if so, the outcome thereof; and

(d) the action taken to amend the Evidence Act alongwith details of the Sections to be so amended?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (d) Government have studied the judgement dated 28th October, 1991 delivered by the Special Judges appointed under the Terrorist and Disruptive Activities (Prevention) Act, 1987, Rajkot District in Session's Case No. 23|89-State vs. Amiruddsinh Mahipatsinh Jadeja and another wherein the learned judge has observed that now the time is ripe to make changes in the legal processes by the Legislative Assembly and Hon'ble Parliament and in such circumstances, until the Parliament makes necessary amendment in Section 25 of the Evidence Act, it cannot in the present situation be expected by the court that legally reliable evidence would come before the court. It has not been considered necessary to make any changes in the existing provisions of the Indian Evidence Act, 1872.

Section 5 of Companies Act

1493. SHRI ASHOK MITRA: Will the PRIME MIISTER be pleased to state:

(a) the contents of the recent clarification issued on the provisions of Section 5 of the Companies Act, 1956 concerning the meaning of 'an officer in default';

(b) whether this clarification is in conflict with any recent judicial pronouncement; and

(c) whether ordinary Directors and part-time Directors would come under the ambit of this Section?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ):(a) to (c) As per circular dated 24-6-94 issued by the Department